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**Attorney for Defendant Bendshadler**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**UNITED STATES OF AMERICA,**

**CR No. 07-535-BR**

**Plaintiff,**

**MOTION FOR EXTENSION**

**v.**

**MARCEL ROY BENDSHADLER,**

**Defendant.**

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Marcel Roy Bendshadler, Defendant in the above-captioned case, through counsel, the Office of the Federal Public Defender, Stephen R. Sady, Chief Deputy, hereby moves under Rule 45 (b)(1)(A) of the Federal Rules of Criminal Procedure to extend for 60 days the time within which to file a Motion for New Trial under Rule 33 (b)(2). The request is based on the death of trial counsel, Nancy Bergeson, on the day after the verdict was returned, and the need for new counsel

to confer with Mr. Bendshadler and other persons involved Mr. Bendshadler's defense concerning a potential motion for New Trial under Rule 33 (b)(2).

As required under Rule 45 (b)(1)(A), the instant motion is being made within the seven-day time period originally prescribed for a Motion for New Trial under Rule 33.

The government, through Assistant U.S. Attorney Michelle Kerin, does not object to the motion for extension of time.

Respectfully submitted this November 30, 2009.

/s/ Stephen R. Sady

Stephen R. Sady  
Attorney for Defendant Bendshadler